

Meeting 21st August 2020 13:00 – 15:00

Members attending:

John Scott QC, Solicitor Advocate (Chair)

Ephraim Borowski, Chair of the National Independent Strategic Advisory Group

Chief Superintendent David Duncan, Police Scotland

Martyn Evans, SPA Board Member

Maria Galli, CYPCS

Gill Imery, HM Chief Inspector of Constabulary in Scotland (HMICS)

Dr Elizabeth Kelly, NHS Scotland and Associate Carnegie UK Trust

Susan Kemp, Scottish Human Rights Commission

Professor Susan McVie, Edinburgh University

ACC Gary Ritchie, Police Scotland

Dr Catriona Stewart, SWAN Scotland

Apologies:

Bruce Adamson, CYPCS

Aamer Anwar, Solicitor and Human Rights campaigner

Tressa Burke, CEO Glasgow Disability Alliance

DCC Will Kerr, Police Scotland

John Logue, Deputy Crown Agent Operational Support, COPFS

Naomi McAuliffe, Programme Director Scotland, Amnesty International

Diego Quiroz, Scottish Human Rights Commission

Brian Scott, Glasgow Disability Alliance

In attendance:

Dr Michael Rosie, Senior Lecturer in Sociology; Programme Co-Director,
Nationalism Studies; University of Edinburgh

Secretariat:

Jennifer Blackwood, SPA Communications and Relationships

Eleanor Gaw, SPA Community Accountability

John McCroskie, SPA Director of Communications and Relationships

Fiona Miller, SPA Community Accountability

1. Welcome and introductions

The Chair welcomed members to the meeting, and introduced Dr Michael Rosie, joining the meeting for agenda item 2.

2. Policing, protests and public demonstrations during the pandemic

The Chair outlined the background to the IAG discussion and referenced earlier Advisory Group discussions with Professor Cliff Stott. Policing of protests and demonstrations is not fully within the Terms of Reference of the IAG, but has impacted on policing during the pandemic and has significant human rights implications, so may be referenced in the group's final report. Police Scotland could also have used emergency powers in the policing of protests but, appropriately in the view of the IAG, had chosen not to do so.

Dr Rosie outlined the work he has undertaken over a number of years around marches, protests and parades, including his most recent Review of the 2016 Independent Report on Marches, Parades and Static Demonstrations in Scotland.

<https://www.gov.scot/publications/review-2016-independent-report-marches-parades-static-demonstrations-scotland/pages/4/>

Dr Rosie referenced three significant developments and challenges for the system at the time of his report – some well documented incidents and rising tensions in recent years around parades in Glasgow and related public disorder; the emergence of counter protests; and the potential increase in new demonstrations and parades on both sides of the debate around Scottish Independence.

Lockdown has offered some breathing space for these challenges, but, at the same time, a new wave of protests and demonstrations emerged linked to Black Lives Matter. These protests have taken place at a time when the organisations which traditionally march in Scotland had agreed not to do so, to support public safety.

The range of protest activity attracted a wider range of groups and individuals, including some intent on causing violence. There was very significant related demand on policing, and the deployment of skilled police officer resources to maintain public safety, and de-escalate tensions.

A focus for ongoing improvement has been strengthening community dialogue, and police / community dialogue has increased as lockdown has eased. The

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Scottish Government has funded a community dialogue facility in Glasgow, via the Centre for Good Relations, and Police Scotland are actively involved in community discussions. The existing guidance for local authorities on marches and public demonstrations guidance was published in 2006, and Dr Rosie and a number of partner organisations are working closely with Scottish Government to update this guidance.

IAG members agreed that it would be helpful to increase public awareness of the how the overall process works, and Dr Rosie offered to feed that into the guidance revision process. Dr Rosie also expressed interest in seeing the SHRC paper on human rights aspects of protests, and offered to continue discussions with Diego and Susan on this issue.

The Chair thanked Dr Rosie for his input, and the IAG will remain in touch as required as the work develops.

3. Note of the previous meeting and matters arising

The Chair briefed members that the group's concerns on timelines and the limited opportunity for consultation on emergency legislation, had been shared with the Cabinet Secretary for Justice.

4. Chair's update from SPA Board Meeting and discussions

The Chair provided an update on the presentation at the Authority meeting on 19 August which he felt was constructive, and indicated that David Crichton, Interim Chair of the SPA, had allowed for more time for discussion than originally scheduled.

SPA members particularly acknowledged the benefit of the GDA and SWAN reports and the detailed data analysis, and DCC Kerr reported on the practical benefits of the related guidance and IAG input in assisting Police Scotland in its pandemic response. A follow up webinar event is likely to take place in October 2020.

The next IAG interim report to the SPA will be 30th September. The final IAG report is anticipated around 25 November 2020, when the full data analysis should be available.

5. Data Update

Chief Superintendent David Duncan gave an overview of the data analysis work undertaken in Police Scotland on impacts on Children and Young People, streamed through OptICAL ahead of sharing with the IAG. Maria Galli is in touch with CS Duncan on this work, which is of particular interest to CYPCS.

Police Scotland will also pursue additional survey analysis to better understand the impact of Covid response on other groups, for example disabled people. This work is led by Kirsty Louise Campbell, and will be streamed through OptICAL.

The extrapolation of data taken from Fixed Penalty Notices (FPN) was discussed. Professor McVie is working with the Scottish Courts & Tribunal Services (SCTS) to reflect the SCTS data on FPNs processed, and which becomes publicly

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available on or around 20 November 2020. This wider analysis will provide a more complete picture, excluding duplicates or any rescinded notices, and will allow for direct comparison with data for England and Wales during the period.

Professor McVie offered to write a short update for the group, outlining the added value expected from the overall data analysis, and including consideration of the nominal data around FPNs.

The group discussed the challenges around future data requests, as Police Scotland returns to 'business as usual' and officers involved in data analysis return to frontline duties. It was agreed that any requests need to be proportionate and the scope to stream requests for any additional research via SIPR where appropriate was noted.

Members were asked to consider if there is a need for further interviews with police officers and staff. It was agreed this may be helpful in relation to local lockdowns; the group will consider this further if required and it can be referenced in OPTICAL discussions. Gill Imery offered HMICS support for additional interviews if required.

John McCroskie reflected on Justice Board discussions, which reflect demand for future analytical work across the Justice Sector to focus on depth and insight, rather than gathering additional data.

It was noted, however, that there may be demand for additional data around the use of any new powers such as announced by the First Minister recently.

Citizen Space

No additional responses have been received. Portal details have been shared with Police Scotland North East division, with a view to local promotion and gathering perspectives from those impacted by the local lockdown.

6. AOCB

Potential new regulations due to be implemented Friday 28th August were referenced, and can be considered when more detail emerges.

7. Date of Next Meeting

Friday 28th August 13:00 – 15:00. The agenda will include consideration of SHRC Draft paper Article 11 of the ECHR: right to freedom of peaceful assembly, picking up on today's discussions with Dr Rosie.

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